

registration fee of \$100, which shall constitute the registration fee in case registration is granted, and one-half of which may be retained to reimburse the state for inspection should registration be refused. If the commissioner ~~shall find~~ finds that the samples ~~so~~ submitted are up to accepted standards, and otherwise comply with the laws of this state, he shall issue to the applicant a certificate of registration.

Sec. 2. Minnesota Statutes 1978, Section 34.05, Subdivision 2, is repealed.

Approved March 31, 1980

CHAPTER 412—S.F.No. 802

An act relating to health; regulating the occupation of physical therapist; authorizing the commissioner of health to investigate complaints related to licensed occupations under certain circumstances; amending Minnesota Statutes 1978, Sections 148.65; 148.67; 148.70; 148.71; 148.72; 148.73; 148.74; 148.75; 148.76; 148.77; 148.78; 214.13, by adding subdivisions; and Chapter 148, by adding sections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1978, Section 148.65, is amended to read:

148.65 **DEFINITIONS.** Subdivision 1. **PHYSICAL THERAPY.** As used in sections 148.65 to 148.78 the term "physical therapy" means ~~the treatment of any bodily or mental disorder of any person by the use of the physical, chemical and other properties of heat or cold, light, water, electricity, massage, mechanical devices and therapeutic exercise, which includes posture and rehabilitation procedures, provided however, the use of Roentgen rays and radium for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used in sections 148.65 to 148.78~~ the evaluation or treatment or both of any person by the employment of physical measures and the use of therapeutic exercises and rehabilitative procedures, with or without assistive devices, for the purpose of preventing, correcting, or alleviating a physical or mental disability. Physical measures shall include but shall not be limited to heat or cold, air, light, water, electricity and sound. Physical therapy includes treatment planning and documentation, performance of appropriate tests and measurement, interpretation of orders from physicians, instruction, consultative services, and supervision of supportive personnel.

Subd. 2. **PHYSICAL THERAPIST.** "Physical therapist" means a person who practices physical therapy as defined in sections 148.65 to 148.78 ~~under the prescription, and direct supervision of a person licensed and registered in this state to practice medicine and surgery and whose license is in good standing.~~

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Sec. 2. Minnesota Statutes 1978, Section 148.67, is amended to read:

148.67 PHYSICAL THERAPY COUNCIL. The board of medical examiners shall appoint ~~an examining committee~~ a physical therapy council in carrying out the provisions of this law, regarding the qualifications and examination of physical therapists. The ~~examining committee~~ council shall consist of ~~five~~ seven members, citizens and residents of the state of Minnesota, composed of three physical therapists, ~~one~~ two licensed and registered ~~doctors~~ doctors of medicine ~~in the general practice of medicine; and one and surgery, one being a professor or associate or assistant professor from a course program in physical therapy accredited~~ approved by the board of medical examiners, ~~one aide or assistant to a physical therapist and one public member~~ one aide or assistant to a physical therapist. The ~~committee~~ council shall expire, and the terms, compensation and removal of members shall be as provided in section 15.059.

Sec. 3. Minnesota Statutes 1978, Section 148.70, is amended to read:

148.70 APPLICANTS, QUALIFICATIONS. It shall be the duty of the board of medical examiners with the advice and assistance of the physical therapy council to pass upon the qualifications of applicants for registration, provide for and conduct all examinations following satisfactory completion of all didactic requirements, determine the applicants who successfully pass the examination, and duly register such applicants after the applicant has presented evidence satisfactory to the board that he has completed a program of education approved by the board. A person who desires to be registered as a physical therapist and who

(a) is at least 18 years old;

(b) is of good moral character;

(c) has obtained a high school education or its equivalent as determined by the board; and

(d) has been graduated by a school of physical therapy approved by the board for training physical therapists, may make application on a form furnished by the board, for examination for registration as a physical therapist as defined in sections 148.65 to 148.78. In determining whether or not such approval shall be given, the board may take into consideration the approval or nonapproval of such schools by the appropriate council of the American Medical Association or of the Canadian Medical Association, if any, at the time of his graduation, or if graduated prior to 1936, the school or course was approved by the American Physical Therapy Association at the time of his graduation. Such examination shall embrace the following subjects: the applied sciences of anatomy, neuroanatomy, kinesiology, physiology, pathology, psychology, physics, physical therapy, as defined in sections 148.65 to 148.78, applied to medicine, neurology, orthopedics, pediatrics, psychiatry, surgery, medical ethics, and technical procedures in the practice of physical therapy as defined in sections 148.65 to 148.78; and such other subjects as the board may determine to be necessary. At the time of making such application, the applicant shall pay to the board \$15, no portion of which shall be returned.

Sec. 4. Minnesota Statutes 1978, Chapter 148, is amended by adding a section to read:

[148.705] APPLICATION. An applicant for registration as a physical therapist shall file a written application on forms provided by the board together with a fee in the amount set by the board, no portion of which shall be returned.

An approved program for physical therapists shall include the following:

(a) A minimum of 60 academic semester credits or its equivalent from an accredited college, including courses in the biological and physical sciences;

(b) An accredited course in physical therapy education which has provided adequate instruction in the basic sciences, clinical sciences, and physical therapy theory and procedures, as determined by the board. In determining whether or not a course in physical therapy is approved, the board may take into consideration the accreditation of such schools by the appropriate council of the American Medical Association, the American Physical Therapy Association, or the Canadian Medical Association.

Sec. 5. Minnesota Statutes 1978, Section 148.71, is amended to read:

148.71 REGISTRATION. Subdivision 1. The state board of medical examiners shall register as a physical therapist ~~and~~ and shall furnish a certificate of registration to each applicant who successfully passes ~~the an~~ examination provided for in sections 148.65 to 148.78 for registration as a physical therapist ~~and~~ and who is otherwise qualified as required herein.

Sec. 6. Minnesota Statutes 1978, Section 148.72, is amended to read:

148.72 EXAMINATIONS. Subdivision 1. ISSUANCE OF REGISTRATION WITHOUT EXAMINATION. ~~The state board of medical examiners may register as a physical therapist, and may furnish a certificate of registration without examination to any person who applies for such registration on or before December 31, 1951, and who on April 18, 1951, meets the qualifications for a physical therapist or junior physical therapist as set forth by the American Registry of Physical Therapists, and who, at the time of application, is practicing physical therapy in the state of Minnesota, and who is otherwise qualified as required herein. At the time of making such application, such applicant shall pay to the board a fee of \$15, no portion of which shall be returned. On payment to the board of a fee in the amount set by the board and on submission of a written application on forms provided by the board, the board shall issue registration without examination to a person who is licensed or otherwise registered as a physical therapist by another state of the United States of America, its possessions, or the District of Columbia, if the requirements for licensure or registration in the state, possession, or District were at the date of his license or registration by the state substantially equal to the requirements set forth in sections 148.65 to 148.78.~~

Subd. 2. CERTIFICATE OF REGISTRATION. ~~Said~~ The board may issue a certificate of registration ~~in to~~ a physical ~~therapy~~ therapist without examination ~~therein~~ to an applicant who presents evidence satisfactory to the board of having

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passed the an examination of the American Registry of Physical Therapists, or an examination before a similar lawfully authorized examining board or officer of another state or of a foreign country, recognized by the board if the standards of such the other state or foreign country are determined by said the board to be as high as those of this state. At the time of making such an application the applicant shall pay to the board a fee of \$45 in the amount set by the board, no portion of which shall be returned.

Subd. 3. EXAMINATIONS. The board shall give an examination to applicants who comply with section 148.70. The examination shall include a written examination which shall test the applicant's knowledge of the basic and clinical sciences as they relate to physical therapy, physical therapy theory and procedures, and such other subjects as the board may deem useful to test the applicant's qualifications to act as a physical therapist.

Subd. 4. ISSUANCE OF REGISTRATION AFTER EXAMINATION. The board shall issue a certificate of registration to each applicant who passes the examination in accordance with standards established by the board and who is not disqualified to receive registration under the provisions of section 148.75.

Sec. 7. Minnesota Statutes 1978, Section 148.73, is amended to read:

148.73 **RENEWALS.** Every registered physical therapist shall, during the month of January 1952, and during each January thereafter, apply to the board for an extension of his registration and pay a fee of \$5 in the amount set by the board. Registration that is not so extended on or before January 31 each year, shall automatically lapse on said date. The board, in its discretion, may revive and extend a lapsed registration on the payment of the required fees. Registrants shall likewise pay the said annual registration fee of \$5 for the balance of the first year of their registration.

Sec. 8. Minnesota Statutes 1978, Section 148.74, is amended to read:

148.74 **RULES.** The board is authorized to adopt such rules and regulations as may be necessary to carry out the purposes of sections 148.65 to 148.78. The secretary of the board shall keep a record of proceedings under these sections and a register of all persons registered under it. The register shall show the name, address, date and number of registration, and the renewal thereof. The board shall, on or before April 30 of each year, compile a list of such registered physical therapists and mail a copy thereof to the state commissioner of health and the county attorney of each county. Any other interested person in the state may obtain a copy of such list on request to the board upon payment of such an amount as may be fixed by the board, which shall not exceed the cost of the list so furnished. The board shall provide blanks, books, certificates, and such stationery and assistance as is necessary for the transaction of the business of the board and the state examining committee physical therapy council hereunder, and all money received by the board under sections 148.65 to 148.78 shall be paid into the state treasury as provided for by law, to be kept in a separate fund which shall be under the control, and for the use, of the board in carrying out and assisting in the enforcement of the provisions thereof. The board shall set by rule the amounts of the application fee and the annual registration fee.

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Sec. 9. Minnesota Statutes 1978, Section 148.75, is amended to read:

148.75 CERTIFICATES; DENIAL, SUSPENSION, REVOCATION. The state board of medical examiners may refuse to grant registration to any physical therapist, or may suspend ~~or~~ or revoke ~~condition, limit, qualify or restrict~~ the registration of any physical therapist for any of the following grounds:

(a) ~~Inability to practice physical therapy with reasonable skill and safety to patients by reason of illness; senility; drunkenness; use of drugs; narcotics; chemicals or any other type of material or as a result of any physical or mental condition~~ Practicing as a physical therapist other than upon the order and direction of a physician licensed in this state to practice medicine;

(b) Conviction of a felony Using drugs or intoxicating liquors to an extent which affects professional competence;

(c) Conviction of an offense involving moral turpitude Been convicted of a felony;

(d) Conviction for violating any state or federal narcotic law;

(e) Procuring, aiding or abetting a criminal abortion;

(f) ~~Obtaining, or attempting to obtain,~~ Registration or attempted registration by fraud or deception;

(g) Conduct unbecoming a person registered as a physical therapist or conduct detrimental to the best interests of the public;

(h) ~~The treatment or attempt to treat ailments or other health conditions of human beings other than by physical therapy and as authorized by sections 148.65 to 148.78; and the undertaking to practice physical therapy independent of the prescription and direct supervision of a person licensed and registered in this state to practice medicine and surgery~~ Gross negligence in the practice of physical therapy as a physical therapist;

(i) Treating human ailments by physical therapy except by the order of a person licensed in this state to practice medicine and whose license is in good standing;

(j) Treating human ailments other than by physical therapy unless duly licensed or registered to do so under the laws of this state;

(k) Inappropriate delegation to a physical therapist assistant or inappropriate task assignment to an aide or inadequate supervision of either level of supportive personnel; and

(l) Treating human ailments other than by performing physical therapy procedures unless duly licensed or registered to do so under the laws of this state

A certificate of registration to practice physical therapy as a physical therapist is suspended if (1) a guardian of the person of the physical therapist is

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appointed by order of a probate court pursuant to sections 525.54 to 525.612, for reasons other than the minority of the physical therapist; or (2) the physical therapist is committed by order of a probate court pursuant to sections 253A.01 to 253A.21 or 526.09 to 526.11. The certificate of registration remains suspended until the physical therapist is restored to capacity by a court and, upon petition by the physical therapist, the suspension is terminated by the board of medical examiners after a hearing.

Sec. 10. Minnesota Statutes 1978, Section 148.76, is amended to read:

148.76 PROHIBITED CONDUCT. Subdivision 1. No person shall

(a) Use the title of physical therapist without a certificate of registration as a physical therapist issued to him pursuant to the provisions of sections 148.65 to 148.78;

(b) Any person who shall: In any manner ~~represent himself as a physical therapist, or who uses use~~ in connection with his name the words or letters Physical Therapist, Physiotherapist, Physical Therapy Technician, Registered Physical Therapist, Licensed Physical Therapist, P.T., P.T.T. or R.P.T., L.P.T., or any letters, words, abbreviations or insignia indicating or implying that he is a physical therapist, without a ~~valid existing~~ certificate of registration as a physical therapist issued to him pursuant to the provisions of sections 148.65 to 148.78 ~~shall be guilty of~~. To do so is a gross misdemeanor ~~;~~

(c) Employ fraud or deception in applying for or securing a certificate of registration as a physical therapist.

Nothing ~~therein contained in~~ sections 148.65 to 148.78 shall prohibit any person licensed or registered ~~in this state~~ ~~under another law~~ ~~from carrying out the therapy or practice for which he is duly licensed or registered.~~

Subd. 2. No physical therapist shall

(a) Treat human ailments by physical therapy except by the order and direction of a person licensed in this state to practice medicine and whose license is in good standing;

(b) Treat human ailments other than by physical therapy unless duly licensed or registered to do so under the laws of this state.

Sec. 11. Minnesota Statutes 1978, Chapter 148, is amended by adding a section to read:

[148.706] SUPERVISION OF ASSISTANTS AND AIDES. Every physical therapist who uses the services of an assistant or aide for the purpose of assisting in the practice of physical therapy is responsible for functions performed by the assistant or aide while engaged in such assistance. The physical therapist shall permit the assistant or aide to perform only those functions which he is authorized by rule to delegate to a physical therapist assistant or assign to a physical therapy aide and shall provide supervision as specified.

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Sec. 12. Minnesota Statutes 1978, Section 148.77, is amended to read:

148.77 VIOLATIONS. ~~Subdivision 1: Any person employing fraud or deception in applying for or securing a certificate of registration as a physical therapist, shall be guilty of a gross misdemeanor.~~

~~Subd. 2: A person registered under sections 148.65 to 148.78 as a physical therapist shall not treat human ailments by physical therapy except under the prescription and direct supervision of a person licensed in this state to practice medicine and surgery and whose license is in good standing.~~

~~Subd. 3: A person registered under sections 148.65 to 148.78 as a physical therapist shall not treat human ailments other than by physical therapy unless duly licensed or registered so to do under the laws of this state.~~

~~Subd. 4: Any person violating the provisions of this section shall be 148.76 is guilty of a gross misdemeanor.~~

Sec. 13. Minnesota Statutes 1978, Section 148.78, is amended to read:

148.78 PROSECUTION, ALLEGATIONS. In the prosecution of any person for violation of sections 148.65 to 148.78 as specified in section 148.76, it shall not be necessary to allege or prove want of a valid certificate of registration in physical therapy as a physical therapist, but such matter shall be a matter of defense to be established by the accused.

Sec. 14. Minnesota Statutes 1978, Section 214.13, is amended by adding a subdivision to read:

Subd. 6. The provisions of section 214.10, shall apply to any complaint or other communication, whether oral or written, received by the commissioner of health which alleges or implies a violation of a statute or rule which the commissioner is empowered to enforce relating to a specific occupational group for which a registration requirement has been created pursuant to this section.

Sec. 15. Minnesota Statutes 1978, Section 214.13, is amended by adding a subdivision to read:

Subd. 7. The duties of the executive secretary or board members specified in section 214.10, subdivisions 1 and 2, shall be performed with respect to occupations regulated pursuant to this section by the advisory council established under subdivision 4, or if no council has been created, by the health related licensing board which has been delegated the administration of regulation activities, or if no such delegation has been made, by a staff member appointed by the commissioner. For the purposes of subdivisions 6 and 7, the commissioner may exercise the powers granted to boards by section 214.10, subdivision 3, when carrying out the duties of this subdivision.

Approved March 31, 1980